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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE WESTERN DISTRICT OF WASHINGTON**
10 **AT SEATTLE**

11 **UNITED STATES OF AMERICA,**

12 Plaintiff,

13 v.

14 **CHRISTOPHER MAXWELL,**

15 Defendant,

Crim. S- 06-0042MJP

16 **DEFENDANT'S SUPPLEMENTAL**
17 **MEMORANDUM**
18 **REGARDING**
19 **RESTITUTION**

20 Had the government been above board in their handling of the Coulton School District
21 they might will be entitled to have their losses included in the restitution order, but that
22 is not the case. Although the government knew that the District was a potential victim
23 even before obtaining the search warrants in this case they chose not to disclose that
24 information. Restitution was discussed, considered and included in the written plea
25 agreement and during this entire process the government concealed the existence of the
26 District alleged losses. In fact the government kept the District a secret until after the
27 plea and the probation interview, thereby depriving the defense of an opportunity to
28 investigate the claim. while it was the government that chose to play fast and loose with
the defendant's due process rights it will have to be the District that pays the price.
On a related matter involving restitution, the government was less than forthright about
the loss suffered by DOD. It was only during the sentencing hearing that the defense
learned that DOD suffered no actual loss. The threat posed to the military by Mr.

1 Maxwell's conduct were handled entirely in-house using military personnel whose job
2 it was to do this very thing. The manner in which the plea negotiations were conducted
3 prevented the defense from discovering this overstatement prior to entering into the plea
4 agreement which the defense, at least, considered binding and no objection was made.
5 For these reasons the court's existing judgement should remain unchanged and
6 restitution should not be increased..

7 Dated: September 25, 2006

8 Respectfully submitted,

9 / s / Steven D. Bauer

10 STEVEN D. BAUER

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